

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JUDY JIEN, *et al.*,

Plaintiffs,

v.

PERDUE FARMS, INC., *et al.*,

Defendants.

Case No. 1:19-cv-2521-SAG

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTIONS TO SEAL

Defendants Perdue Farms, Inc., Perdue Foods LLC, Tyson Foods, Inc., Keystone Foods, LLC, Sanderson Farms, Inc., Koch Foods, Inc., Wayne Farms, LLC, Mountaire Farms, Inc., Fieldale Farms Corporation, Butterball, LLC, Jennie-O Turkey Store, Inc., Cargill Meat Solutions Corporation, and Agri Stats, Inc., (collectively, “**Defendants**”), by their undersigned attorneys and pursuant to Local Rule 105.11 and the Stipulated Protective and Clawback Order (ECF No. 450) (“**Protective Order**”), hereby file this Response to Plaintiffs’ Motion for Leave to File Under Seal Plaintiffs’ Memorandum in Support of Motion for Preliminary Approval of Settlement with WMS and Peco Defendants (ECF No. 549) (“**First Motion to Seal**”), filed December 17, 2021, and Plaintiffs’ Motion for Leave to File Under Seal Plaintiffs’ Memorandum of Points and Authorities in Support of Their Amended Motion for Leave to File Third Amended Consolidated Complaint (ECF No. 569) (“**Second Motion to Seal**”), filed January 20, 2022 (collectively, “**Motions to Seal**”).

Having conferred, the parties reached agreement as to the scope of redactions necessary to protect information designated as Confidential or Highly Confidential under the Protective Order. Defendants attach as exhibits, reflecting the agreed-upon redactions: [A] the Memorandum of Points and Authorities in Support of Their Amended Motion for Leave to File Third Amended Consolidated Complaint, [B] the proposed Third Amended Consolidated Complaint, [C] the proposed Third Amended Consolidated Complaint Redline, and [D] the Declaration of G. Jonathan Meng. Consistent with the Plaintiffs' Motions to Seal, Defendants request that the unredacted versions of these documents remain under seal in order to protect the confidential information therein.

Date: February 4, 2022

Respectfully submitted,

/s/ John Terzaken

John F. Terzaken (admitted *pro hac vice*)
Abram J. Ellis (admitted *pro hac vice*)
Elizabeth H. French (admitted *pro hac vice*)
SIMPSON THACHER & BARTLETT
900 G Street, N.W.
Washington, DC 20001
Phone: 202-636-5500
Facsimile: 202-636-5502

Eric Pelletier
Eric Pelletier (Bar No. 12716)
OFFIT KURMAN, P.A.
4800 Montgomery Lane, 9th Floor
Bethesda, Maryland 20814
Tel: (240) 507-1739
Fax: (240) 507-1735
epelletier@offitkurman.com

*Attorneys for Defendants Tyson Foods, Inc.
and Keystone Foods, LLC*

/s/ Christopher E. Ondeck

Christopher E. Ondeck
Stephen R. Chuk
Rucha A. Desai
PROSKAUER ROSE LLP
1001 Pennsylvania Ave, NW, Suite 600S
Washington, DC 20004
Tel: (202) 416-5865
Fax: (202) 416-6899
condeck@proskauer.com
schuk@proskauer.com
rdesai@proskauer.com

Attorneys for Defendant Wayne Farms, LLC

/s/ J. Douglas Baldridge

J. Douglas Baldridge (Bar No. 11023)
Lisa Jose Fales (Bar No. 08141)
Danielle R. Foley (Bar No. 21113)
Andrew T. Hernacki (Bar No. 21107)
VENABLE LLP
600 Massachusetts Ave, N.W.
Washington, DC 20001
Tel: (202) 344-4000
jdbaldridge@venable.com
ljfales@venable.com
drfoley@venable.com
athernacki@venable.com

*Attorneys for Perdue Foods, LLC and Perdue
Farms, Inc.*

/s/ John W. Treece

John W. Treece (admitted *pro hac vice*)
1135 West Montana Street
Chicago, Illinois 60614
Tel: (312) 961-7808
jtreece@jwtreece.com

Amanda K. Wofford (admitted *pro hac vice*)
Bourgon B. Reynolds (admitted *pro hac vice*)
ROSE LAW FIRM
120 East Fourth Street
Little Rock, Arkansas 72201
Tel: (501) 377-0349
Fax: (501) 375-1309
awofford@roselawfirm.com
breynolds@roselawfirm.com

*Attorneys for Defendant Mountaire Farms,
Inc.*

/s/ Julia E. McEvoy

Julia E. McEvoy (*Pro Hac Vice*)
Christopher N. Thatch (Bar No. 29097)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3867
jmcevoy@jonesday.com

Eddie Hasdoo (admitted *pro hac vice*)
JONES DAY
77 W. Wacker Drive, Suite 3500
Chicago, IL 60601
(312) 782-3939
ehasdoo@jonesday.com

Faris Rashid (admitted *pro hac vice*)
Davida S. Williams (admitted *pro hac vice*)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
khibbard@greeneespel.com

*Attorneys for Cargill Meat Solutions
Corporation*

/s/ Brian D. Frey

Brian D. Frey (Bar # 17592)
ALSTON & BIRD LLP
The Atlantic Building 950 F Street, NW
Washington, D.C. 20004-1404
Tel: (202) 239-3067
Fax: (202) 239-3333
brian.frey@alston.com

B. Parker Miller
Valarie C. Williams
Raechel J. Bimmerle
ALSTON & BIRD LLP
1201 West Peachtree Street Atlanta, GA
30309
Tel: (404) 881-7000
Fax: (404) 881-7777
parker.miller@alston.com
valarie.williams@alston.com
raechel.bimmerle@alston.com

*Attorneys for Defendant Fieldale Farms
Corporation*

/s/ Jonathan H. Todt

Jonathan H. Todt (Bar No. 07166)
FAEGRE DRINKER BIDDLE & REATH LLP
1500 K Street N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 230-5823
Fax: (202) 842-8465
jonathan.todt@faegredrinker.com

Richard A. Duncan (pro hac vice)
Craig S. Coleman (pro hac vice)
Emily E. Chow (pro hac vice)
Isaac B. Hall (pro hac vice)
FAEGRE DRINKER BIDDLE & REATH LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Phone: (612) 766-7000
Fax: (612) 766-1600
richard.duncan@faegredrinker.com
craig.coleman@faegredrinker.com
emily.chow@faegredrinker.com
isaac.hall@faegredrinker.com

Christopher A. Kreuder (pro hac vice)
FAEGRE DRINKER BIDDLE & REATH LLP
801 Grand Avenue, 33rd Floor
Des Moines, IA 50309
Phone: (515) 248-4733
Fax: (515) 248-9010
christopher.kreuder@faegredrinker.com

Attorneys for Defendant Jennie-O Turkey Store, Inc.

/s/ Daniel E. Laytin

Daniel E. Laytin, P.C. (pro hac vice)
Christa C. Cottrell, P.C. (pro hac vice)
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, IL 60654
Tel: (312) 862-2000
Fax: (312) 862-2200
dlaytin@kirkland.com
ccottrell@kirkland.com

Joseph W. Hovermill (Bar No. 22446)
Alexander P. Creticos (Bar No. 30199)
MILES & STOCKBRIDGE P.C.
100 Light Street
Baltimore, Maryland 21202
Tel: 410-385-3442
Fax: 410-385-3700
jhovermill@milesstockbridge.com
acreticos@milesstockbridge.com

Attorneys for Defendant Sanderson Farms, Inc.

/s/ Steven F. Barley

Steven F. Barley
HOGAN LOVELLS US LLP
100 International Drive, Suite 2000
Baltimore, Maryland 21202
Tel: (410) 659-2700
Fax: (410) 659-2701
steve.barley@hoganlovells.com

William L. Monts III
Justin W. Bernick
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Tel: (202) 637-5600
Fax: (202) 637-5910
william.monts@hoganlovells.com
justin.bernick@hoganlovells.com

Attorneys for Defendant Agri Stats, Inc.

/s/ James E. Edwards, Jr.
 James E. Edwards, Jr., (MDB No. 02360)
 Ty Kelly Cronin, (MDB No. 27166)
 BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, PC
 100 Light Street
 Baltimore, Maryland 21202
 Tel: (410) 685-1120
 Fax: (410) 547-0699
 jedwards@bakerdonelson.com
 tykelly@bakerdonelson.com

Pro hac vice:

John G. Calender (DCB No. 939124)
 BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, PC
 901 K Street, N.W., Suite 900
 Washington, D.C. 20001
 Tel: (202)508-3474
 Fax: (202) 220-2274
 jcalender@bakerdonelson.com

Scott W. Pedigo (MSB No. 10735)
 Amy L. Champagne (MSB No. 102447)
 BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
 Jackson, Mississippi 39236-4167
PHYSICAL: One Eastover Center
 100 Vision Drive, Suite 400
 Jackson, Mississippi 39211
 Tel: (601) 351-2400
 Fax: (601) 351-2424
 spedigo@bakerdonelson.com
 achampagne@bakerdonelson.com

Russell W. Gray (TNB No. 16120)
 BAKER, DONELSON, BEARMAN,
 CALDWELL & BERKOWITZ, PC
 1800 Republic Centre
 633 Chestnut Street
 Chattanooga, Tennessee 37450-1801
 Tel: (423) 209-4218
 Fax: (423) 752-9563
 rgray@bakerdonelson.com

Attorneys for Defendant Koch Foods, Inc.

/s/ David B. Hamilton
 David B. Hamilton (Bar No. 04308)
 Hillary V. Colonna (Bar No. 19704)
 WOMBLE BOND DICKINSON (US) LLP
 100 Light Street, 26th Floor
 Baltimore, MD 21202
 Tel: (410) 545-5850
 Fax: (410) 545-5801
 David.Hamilton@wbd-us.com
 Hillary.Colonna@wbd-us.com

Hayden J. Silver III (*Pro Hac Vice*)
 WOMBLE BOND DICKINSON (US) LLP
 555 Fayetteville Street, Suite 1100
 Raleigh, NC 27601
 Tel: (919) 755-2188
 Fax: (919) 755-7099
 Jay.Silver@wbd-us.com

*Attorneys for Defendant
 Butterball, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of February 2022, Defendants' Statement of Non-Opposition to Plaintiffs' Motion for Leave to Amend Complaint and Reservation of Rights was served via the Court's CM/ECF system on all counsel of record in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Maryland.

/s/ John F. Terzaken
John F. Terzaken